

REMARKS

Claims 3 and 13 are currently amended to remedy the same typographical error: “cylindrical baler” to “cylindrical bale.”

Claim 4 is currently amended to delete a redundant “the.”

Claims 4, 6, and 7 are hereby amended to remedy lack of antecedent bases.

Claims 3–13 were rejected under 35 U.S.C. 102(b) as being anticipated by Myers et al. (U.S. Patent 6,006,504). This rejection is respectfully traversed.

Regarding claim 3 wherein is cited “arcuate wedge members operatively attached to the flat panels,” Myers et al. do not disclose arcuate wedge members. The arcuate wedges of the instant invention are described in U.S. Patent No. 4,910,949, included by reference in the instant application (page 8). “Arcuate” is an adjective meaning, *curved*. Arcuate modifies the noun, “wedge,” meaning something that tapers from wider at one end to narrower at the opposite end. Therefore, one of ordinary skill in this art would know the meaning of “arcuate wedge” to be something that tapers from wider at one end to narrower at the opposite end and also curves. The Bale wedge 204 disclosed in the instant application satisfy this description. The plates (202, 204) of Myers et al. are not arcuate wedge members.

The Office Action alleges Myers et al. disclose: “The baler comprises a front side defined by a drum roller (40).” It is respectfully pointed out that it is the *netwrap inlet area* defined at the front side by the drum roller and at the rear side by a belt roller in claim 3 and not the *baler* itself as indicated in the Office Action. Claims 3 and 13 have been amended to clarify that aspect. The component with the reference number 40 in Myers et al. is a “front belt support roller” (col. 7 line 1) and not a drum roller. Myers et al. do not disclose a drum roller at all. A distinction between the drum roller (72) and belt rollers (32, 34, 36, 38, 42, 44, 46, and 48) was consistently made in the instant application. To construe the drum roller in part (a) of claim 3 as being a belt roller renders the claim meaningless as the belt roller is claimed in part (b). The inlet to the baler cannot be defined in front by a first belt roller and in the rear by a second belt roller.

Therefore, the disclosed distinction between the drum roller and the belt roller must be observed.

Additionally, claim 3 cites, “a drum roller...configured for direct contact with the bale” and “a belt roller...configured for indirect contact with the bale.” The meaning of “indirect contact” is clearly stated in the disclosure as “...roller 46, which is indirectly in contact with bale 200 *as belts 20 are positioned between the roller 46 and bale 200*” (page 8). Written in the Office Action, we find, “The portion of the roller between the belts (46) is in direct contact with the bale.” (§ 2.) The roller (40) of Myers et al. is clearly “indirectly in contact with the bale” as defined above from the instant application, and not in direct contact with the bale, as alleged in the Office Action. Further, the Office Action fails to address the fact that the belt roller defining the rear side of the netwrap inlet is claimed to be “configured for indirect contact with the bale.” There is inconsistency in the rejection if the front belt roller (40) of Myers et al. is alleged to be in direct contact with the bale, while the rear belt roller (38) of Myers et al. is alleged to be in indirect contact with the bale because these two rollers are configured the same. Claims 3 and 13 have been amended to clarify the meaning of direct and indirect contact, according to the definition provided in the specification.

Also claimed in claim 3 is: “...the netwrap material contacts the formed bale in a void created by the wedges and *in front* of the belt roller” (emphasis added). From Fig. 3 in the instant invention, it is clear the void created by the arcuate wedge (204) is in front of the belt roller (46). Because the roller (40) of Myers et al. alleged in the Office Action to be the “drum roller” is, in actuality, a belt roller (and not a drum roller), and because the voids created by plates (202, 204) are created *behind* the belt roller (40) (see Figs. 3 and 4), Myers et al. did not disclose a void in front of the belt roller. Note that the term “front” is used consistently in the instant application, and in the Myers et al. patent, as being in a forward direction according to the normal operating direction of travel of the baler. The word “front” is also used in the Office action in a manner consistent with the use in these two documents. One of ordinary skill in the art would understand that “front” implies toward the forward direction. Therefore, there is no ambiguity in describing the void as being “in front” of the belt roller. Hence, Myers et al. did not anticipate all aspects of claim 3.

Regarding claims 4–5, Myers et al. do not disclose “a feed pan disposed under the belts said feed pan comprising: flexible net guides in a spaced relation to the lower roller that are supported underneath the flexible net guides by a closest cross-member to the lower roller, which closest lower cross member is spaced no closer than two (2) inches from the lower roller.” According to the Office Action: “The arcuate wedge members (204) have an inherent amount of flexibility, and the members act as net guides (see 8, lines 29-31).” The disclosure in lines 29–31 in column 8 (Applicants assume column 8 was meant in the Office Action) of the Meyers et al. patent does not suggest flexibility of the plates (202, 204). Certainly Myers et al. do not provide an enabling disclosure of a flexible net guide. No net guides are disclosed in Myers et al. that are supported from below by a cross-member. Therefore, Myers et al. did not anticipate all aspects of claims 4–5.

In regard to claim 6, again Myers et al. do not disclose flexible net guides, as shown above. In addition, the only cross-member (178, see Fig. 2) disclosed by Myers et al. is “in close vicinity to the lower roller.” Therefore, Myers et al. did not anticipate all aspects of claim 6.

Regarding claim 7, the same arguments used for claims 4–5 hold. In addition, Myers discloses a cross member (178, see Fig. 2) less than “a minimum horizontal distance from the lower roller equal to the diameter of the lower roller.” Therefore, Myers et al. did not anticipate all aspects of claim 7.

Regarding all of claims 4–7, the Office Action reads: “The supporting cross members (112, 86 and 88) for the netwrap mechanism are spaced more than 10 inches from the lower rollers (38 and 40).” Both the instant application and the patent of Myers et al. use the terms “roller” for components such as 86, 88, and 112 in Myers et al. Both the instant application and the Myers et al patent use the term “cross member” for components such as 178 in Myers et al. and 470 in the present application. There is no ambiguity between these two types of components, each having a unique function. One of ordinary skill in this art understands the differences between these terms and would disagree with the confusion offered in the Office Action. Additionally, only one lower roller defines the “bottom of the bale forming chamber” in claims 3–7. Thus, to assign

the label “lower roller” to both rollers 38 and 40 in Myers et al. does not make sense in light of the claim. According to Fig. 2 in Myers et al., roller 40 is the lower roller defining the bottom of the bale forming chamber. The only cross member (178) is in very close proximity to the lower roller (40).

In regard to claims 8–11, the Office Action states: “The net guide member (204) is located at a position generally above the pickup (see Figs. 1-2) and consists of horizontal and vertical plates.” However, the plates (202, 204) of Myers et al. do not “direct crop material previously inserted into the bale formation chamber and the netwrap material away from the pickup” as cited in amended claim 8. According to the Abstract of the Myers et al. patent: “These guide plates are shaped and positioned such that they perform the functions of creating a space between the bale end and the side wall for receiving marginal portions of the net, defining together with the side walls, a channel which leads from the net spreader rolls to the space created for receiving the net, rounding the end edges of the bale for better reception of the marginal portions of the net and deflecting crop material away from the spirals of the net spreader rolls so as to prevent them from wrapping with crop which would interfere with the feeding of the marginal portions of the net to be placed over the edges or corners at the opposite ends of the bale.” This is repeated in the Summary of the Invention section (col. 2 lines 2–14), and again in the Description of the Preferred Embodiment section: “The purpose of the plates 202 and 204 is four-fold. The first is to create a space at the edge of the bale for the introduction of the net, the second is to provide a channel through which the net material can travel so as to reach the space created at the edge of the bale, the third is to round the corners of the ends of the bale being wrapped so that the net more easily folds over it and the fourth is to deflect crop away from the spiral of the spreader rolls 186 and 188 so that the crop does not interfere with the feeding of the net.” (Col. 8 lines 27–31.) Clearly, none of these four purposes include directing “crop material previously inserted into the bale formation chamber and the netwrap material away from the pickup.” None of these four purposes is to “direct crop material previously inserted into the bale formation chamber and the netwrap material away from the pickup” as cited in amended claim 8.

Specifically regarding claim 9, the plates (202, 204) are vertically disposed on a vertical sidewall (22) as clearly seen in Fig. 4, and not “a generally horizontal rigid plate” as claimed.

Specifically regarding claim 11, which cites “the guide comprises a generally vertical flexible plate,” Myers et al. do not disclose a flexible plate. No such enabling disclosure exists, enabling one of ordinary skill to make the plates (202, 204) of Myers et al. of a flexible material or flexible structure.

Claims 1–2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,504 to Myers et al. in view of U.S. Patent No. 6,550,218 to McClure et al. This rejection is respectfully traversed.


Neither the Myers et al. patent, nor the McClure et al. patents disclose forming a netwrap inlet between a drum roller and a belt roller. Myers et al. do not disclose a drum roller, so there cannot be a netwrap inlet formed between a drum roller and the belt roller (40). There is no gap between the floor roller (6) and apron (23) on the nose roller (22) of McClure et al., so this region is not used as an inlet for the netwrap. Instead, in the McClure et al. patent, the netwrap (41) resides on a roll (31) in the front of the baler (1). The netwrap (41) is fed toward the bale in a generally horizontal trajectory, never coming close to the region between the floor roller (6) and the nose roller (22). The netwrap inlet disclosed in the instant application has an advantage over that of the McClure et al. invention in that there is no need to pause the baling operation until the last of the crop material reaches the point of insertion of the netwrap because the netwrap enters the bale at almost the same point as new crop material. With the McClure et al. apparatus, the newest crop material has to rotate more than 270 degrees before reaching the insertion point of the netwrap. It would not, therefore, have been obvious to one having ordinary skill in the art to provide the baler of the Myers et al. patent with the drum and belt roller arrangement as taught by the McClure et al. patent to form a netwrap inlet between the drum roller and the belt roller.

Claims 14–21 are hereby added to further define the present invention.

Accordingly, because all claims 1–21 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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